

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION ST. NO.14845 OF 2017
IN
WRIT PETITION NO.5636 OF 2017**

with

**CIVIL APPLICATION (ST.) NO.16950 OF 2017
IN
WRIT PETITION NO.5636 OF 2017**

Union of India & Ors.	... Petitioners
Vs.	
Haresh Virumal Milani	... Respondent

Dr.G.R. Sharma i/b D.P. Singh for the Petitioners in
RPWst./14845/2017 and for Respondents in CAWst./16950/2017

Mr.N.C. Ojha with Shivraj Kunchge, Pranjali Raote, Uttara Khaire,
for Respondent in RPWst./14845/2017 and for Applicant in
CAWst./16950/2017

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 2, 2017**

P.C. :

1. The review petition is moved by the Union of India for review of the order of 17.4.2017 passed in the Writ Petition. The learned Counsel for the petitioners has submitted that in para 19 of the said order, the observations made by this Court in respect of issue No.2 of calling witness to exercise the power under section 311 of

the Criminal Procedure Code while conducting enquiry under section 340 of Criminal Procedure Code, are vague and not clear, especially in the light of the Full Bench judgment of the Supreme Court in the case of **Pritish vs. State of Maharashtra & Ors.**¹. He has submitted that the Supreme Court has held that the witnesses cannot be called to produce documents as the Supreme Court has held that the scope of enquiry is restricted and the Court to decide on the materials available that the matter requires enquiry by criminal Courts." (emphasis placed). He submits that to that extent, the last portion of the order is to be reviewed.

2. Mr.Ojha, the learned Counsel for the respondent in the review petition, submitted that the finding given by the Supreme Court in the case of **Pritish vs. State of Maharashtra & Ors.** (supra), is contrary to the submissions of the learned Counsel for the petitioners.

3. Considered the submissions. In my view, the review petition does not fall under section 115 and Order 47 of the Civil Procedure Code. Hence, the review petition is rejected.

1 AIR 2002 SC 236

4. As regards the Civil Application, the prayer of taking contempt action against the Counsel for Union of India cannot be entertained as there is no substance. The Civil Application is accordingly disposed of.

(MRIDULA BHATKAR, J.)